

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**MARQUISE DRUMWRIGHT,**  
  
**Plaintiff,**  
  
**v.**  
  
**G. GOMEZ,**  
  
**Defendant.**

**Case No. 1:20-cv-00939-AWI-EPG (PC)**  
  
**ORDER ADOPTING FINDINGS AND**  
**RECOMMENDATIONS**  
  
**(ECF Nos. 40 & 51)**

Marquise Drumwright (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 3, 2021, Defendant filed a motion for summary judgment on the ground that Plaintiff failed to properly exhaust his available administrative remedies. (ECF No. 40). On December 9, 2021, Defendant filed a declaration. (ECF No. 42). Attached to the declaration is a document that the Court construes as including Plaintiff’s opposition to Defendant’s motion for summary judgment. (*Id.* at 5-11). On December 22, 2021, Plaintiff filed a response to Defendant’s declaration. (ECF No. 44). On January 7, 2022, Defendant filed a reply to Plaintiff’s opposition. (ECF No. 48).

On January 21, 2022, Magistrate Judge Erica P. Grosjean entered findings and recommendations, recommending that “Defendant’s motion for summary judgment be

1 granted,” and that “[t]his action be dismissed without prejudice because Plaintiff failed to  
2 exhaust his available administrative remedies before filing this action.” (ECF No. 51, p. 14).

3 The parties were provided an opportunity to file objections to the findings and  
4 recommendations. Plaintiff filed his objections on February 18, 2022. (ECF No. 52). On  
5 March 3, 2022, Defendant filed his response to Plaintiff’s objections. (ECF No. 53).

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
7 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
8 the Court finds the findings and recommendations to be supported by the record and proper  
9 analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations (Doc. No. 51) issued by the magistrate judge on  
12 January 21, 2022, are ADOPTED in full;  
13 2. Defendant’s motion for summary (Doc. No. 40) judgment is granted;  
14 3. This action is dismissed without prejudice because Plaintiff failed to exhaust his  
15 available administrative remedies before filing this action; and  
16 4. The Clerk of Court is directed to close this case.

17 IT IS SO ORDERED.

18 Dated: March 24, 2022

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20 SENIOR DISTRICT JUDGE  
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